

REMARKS

Claims 4-41 are pending as of the December 28, 2004 Office Action. Claims 1-3 were previously cancelled. Previously withdrawn claims 10-23 and 27-29 are cancelled herein without prejudice. Claims 39-41 are cancelled herein without prejudice. An amendment to claim 38 is proposed herein. The amendment adds no new matter. Upon entry of the amendments, claims 4-9, 24-26, and 30-38 will be pending. Claims 4-9, 24-26 and 30-37 are allowed.

Applicants gratefully acknowledge the rejoinder and examination of previously withdrawn process claims 30-36.

Information Disclosure Statement:

The Office Action states that the IDS filed November 15, 2004 fails to comply with 37 C.F.R. §1.98(a)(2) because the "Copy of the Partial European Search Report (EP01991178) listed as Item No. 3 on Form 1449 is not present in the file. Applicants submit that a copy of the search report was included in the November 15 filing. Applicants also note that all references listed on the search report have been submitted to the Examiner. However, to avoid any question, and to complete the file, Applicants submit herewith a new copy of the Partial European Search Report, dated September 14, 2004.

Claim Objection:

Claims 38 and 41 are objected to because the claims set forth sequence data without accompanying SEQ ID Nos.

The cancellation of claim 41 herein renders the objection moot with regard to that claim.

The amendment to claim 38 proposed herein adds SEQ ID Nos corresponding to those for the recited linker peptides in the Sequence Listing. Applicants note that while the repeat length for linkers (Gly-Ser)₁₋₁₅, (Thr-Ser-Pro)₁₋₁₅, (Gly-Gly-Gly)₁₋₁₅, and (Glu-Lys)₁₋₁₅ are each less than the 4 amino acids necessary to trigger a requirement for a SEQ ID NO, the repeats

encompassed by those sequences are greater than or equal to 4 amino acids. Therefore, Applicants submit herewith a replacement sequence listing setting out and assigning a SEQ ID NO to each of the individual sequences represented by the recited repeats. Linkers (Gly-Ser)₁₋₁₅ are assigned SEQ ID Nos. 9-23, linkers (Thr-Ser-Pro)₁₋₁₅ are assigned SEQ ID Nos. 24-38, linkers (Gly-Gly-Gly)₁₋₁₅ are assigned SEQ ID Nos. 38-53, and linkers (Glu-Lys)₁₋₁₅ are assigned SEQ ID Nos. 54-68. Further, the linker (Arg-Ala-Arg-Asp-Pro-Arg-Val-Pro-Val-Ala-Thr) represented by SEQ ID NO: 8 in the original Sequence Listing does not encompass, strictly speaking, repeats 2-5 recited in the claim. The new Sequence Listing includes the repeats of this linker as SEQ ID Nos. 69-72. The SEQ ID Nos. noted here are those recited in claim 38 as amended. The amendment adds no new matter.

In view of the proposed amendment, Applicants submit that claim 38 satisfies the Sequence Listing requirements.

Rejection under 35 U.S.C. §112, second paragraph:

Claims 39-41 are rejected as indefinite under 35 U.S.C. §112, second paragraph for use of the conjunction “and” in line 4 of part (d). The Office Action suggests the use of the term “or.”

Applicants submit that the rejection is rendered moot by the cancellation herein of claims 39-41.

Rejection under 35 U.S.C. §102(b):

Claim 39 is rejected under 35 U.S.C. §102(b) as anticipated by Bulinski, U.S. 5,989,577.

The rejection is rendered moot by the cancellation herein of claim 39.

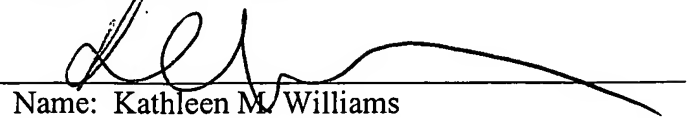
In view of the above, Applicants submit that all issues raised in the Final Office Action have been addressed. With the Amendments and claim cancellations made herein, Applicants

Serial No.: 10/021,818

believe that all claims are allowed or allowable. Applicants respectfully request reconsideration of the claims.

Date: 3/3/05

Respectfully submitted,



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